

## Review Requirements Checklist Medical Malpractice (MM), Line 11

Company Name: \_\_\_\_\_

NAIC #: \_\_\_\_\_

REVIEW REQUIREMENTS	REFERENCE (See <a href="http://www.azleg.state.az.us">www.azleg.state.az.us</a> for applicable statute.)	COMMENTS	REFERENCE Form/Page/Para*
<b>I. FORMS</b>			
<b>Applications</b>			
Referenced In the Policy	A.R.S. §§ 20-398(A); 20-1102		
Statements As Representations, Not Warranties	A.R.S. § 20-1109		
Fraud Must Be Material	A.R.S. § 20-463(A)	Statements in the application that would preclude recovery for fraudulent activity must restrict nonrecovery for fraud based on material facts.	
<b>Blank Forms</b>			
Blank Forms	Unpublished Requirement	The ADOI will not approve blank forms. The forms should be completed in "John Doe" fashion to illustrate the type of language that will be placed on the form.	
<b>Cancellation &amp; Nonrenewal</b>			
Premium Return	A.R.S. § 20-1113(C)		
<b>Filing Standards</b>			
Prior Approval	A.R.S. § 20-398(A)		
<b>General Provisions</b>			
Charter; Bylaws	A.R.S. § 20-1114		
Contents Of The Policy (Names)	A.R.S. § 20-1113(B)(1)		
Contents Of The Policy (Insurer)	A.R.S. § 20-1113(B)(2)		
Contents Of The Policy (Subject)	A.R.S. § 20-1113(B)(3)		
Contents Of The Policy (Risks)	A.R.S. § 20-1113(B)(4)		
Contents Of The Policy (Time)	A.R.S. § 20-1113(B)(5)		
Contents Of The Policy (Premium)	A.R.S. § 20-1113(B)(6)		
Contents Of The Policy (Conditions)	A.R.S. § 20-1113(B)(7)		

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Assignment	A.R.S. § 20-1122	A policy may be assignable or not assignable, as provided by its terms. Personal injury rights are not assignable. <i>Allstate Ins. Co. v. Druke</i> , 118 Ariz. 301, 576 P2d 489.	
Execution	A.R.S. § 20-1116		
<b>Illegal Provisions</b>			
Annulment	A.R.S. § 20-1123		
Group Policy	No enabling law for property and casualty group insurance as exists for other types of insurance in Title 20. Unpublished Requirement.	There is no provision under Arizona insurance law to issue a group property and casualty policy.	
Non-Licensed Entities	Unpublished Requirement	The form may not reference or refer the policyholder to agents, brokers, managing general agents or other entities which do not possess an Arizona license and which are required pursuant to Title 20 to be licensed in this State.	
Titles Or Headings	A.R.S. § 20-1111(A)(3)		
Void Policy Restrictions	A.R.S. § 20-1115		
Invalidation Of The Policy	A.R.S. § 20-229(C)		
<b>Standards (Forms)</b>			
Cannot Be Ambiguous, Misleading Or Deceptive	A.R.S. §§ 20-398(A); 20-1111(A)(2)	The Department may rely on current Arizona case law when determining whether a clause is ambiguous, misleading or deceptive.	
<b>Transmittal Form</b>			
Filing Transmittal Form	Unpublished Requirement	Filings must include a completed Property & Casualty Transmittal Document. The form may be found at the Department's website: <a href="http://www.id.state.az.us">http://www.id.state.az.us</a> . As different laws apply, forms and rates must be filed separately.	
<b>II. RATES</b>			
<b>Filing Requirements</b>			
Use and File	A.R.S. § 20-385(A)		
Supporting Data	A.R.S. § 20-385(B)		
<b>Setting Rates</b>			
Rating standards	A.R.S. § 20-383	Rates shall not be excessive, inadequate or unfairly discriminatory.	
Zip Code Rating	Unpublished Requirement	When an insurer elects to use zip code rating, the insurer's rating plan must include all zip codes.	
Consideration	A.R.S. § 20-384(B)		
Industrial Insured Experience	A.R.S. § 20-384(E)		
<b>Rating Plan Requirements</b>			
Rating Criteria	A.R.S. § 20-384(C)		

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Schedule Rating	A.R.S. § 20-384(C); Unpublished Requirement	schedules that establish reasonable standards for measuring probable variations in hazards or expenses, or both. A schedule rating plan must be equitable and reasonable; therefore, for example, if the maximum debit under the plan is +25%, then the maximum credit also available under the plan should be -25%. The wording in these rating plans shall not make or permit any unfair discrimination in favor of particular persons or between insureds or subjects of insurance having substantially like insuring, risk and exposure factors, or expense elements, in the terms or conditions of any insurance contract, or in the rate or amount of premium charged.	
Classification	A.R.S. § 20-384(C)		
General Filing References			
Loss Cost Filing Procedure	ADOI FORM; Unpublished Requirement	Arizona follows ISO format.	
Consent To Rate Filings	A.R.S. § 20-385(E); Unpublished Requirement	An insurer may file a rate in excess of that provided by an otherwise applicable filing on a specific risk if the risk agrees. This procedure requires the completion of forms CTRF AZ 385-1 and CTRF AZ 385-2.	

### CERTIFICATION

I, \_\_\_\_\_, hereby certify that to the best of my knowledge and belief that each form or rate filing involved in this filing: 1) Conforms to all of the applicable requirements outlined above; 2) Contains no provision(s) previously disapproved or required to be corrected and/or revised by the Arizona Department of Insurance; and 3) Does not exceed this insurer's powers, the authority granted by its state of domicile, and its Arizona certificate of authority.

Signature of Officer: \_\_\_\_\_

Date: \_\_\_\_\_